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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------|------------------|
| 10/806,991 | 03/23/2004 | Thomas E. Place | 4024M | 2313 |
| 7590 | 09/05/2006 | | EXAMINER | |
| S. Michael Bender P.O. Box 530399 St. Petersburg, FL 33747 | | | SKURDAL, COREY NELSON | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3727 | |

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/806,991 | PLACE, THOMAS E. |
| | Examiner | Art Unit |
| | Corey N. Skurdal | 3727 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 March 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 March 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/23/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: page 2 line 4 should read "that can carry antlers."

Appropriate correction is required.

2. The disclosure is objected to because of the following informalities: page 17 line 16 should read "Then a longer length".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Guminski (US 2003/0178454).

Regarding claims 1, 2 and 5, Guminski discloses the invention as claimed including: a belt worn article carrier (Fig. 1); an elastic cord 14 with first and second ends 18; an intermediate cord portion at 16; a waist belt with first and second adjustable portions 30 (Figure 3); first buckle 32 and second buckle 34 at adjustable portions 30; a cord reception wall 12; a cord reception channel between 10 and 12; and first and second article attachment means 16 at first and second cord ends.

Regarding claim 8, Guminiski discloses first and second article attachment means for use with antlers 28 (Figure 5).

Regarding claim 9, Guminiski discloses attachment means including a first and second article attachment loop 24 at ends of elastic cord 14.

Regarding claim 10, Guminiski discloses grommets 20 for receiving the first and second cord ends.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guminiski in view of Blechman (US 6,618,863). Guminiski discloses the invention substantially as claimed and as applied to claim 1 above, but does not have an intermediate cord position with a cord adjustment loop and lock. However, Blechman teaches the use of a cord 1 with an adjustment loop at 6 and an adjustment lock 5 for the purpose of adjusting the width of a clothing item. The cord adjustment lock includes a spring for clamping the cord and a release button to release the cord, col. 2 lines 35-53. Therefore it would have been obvious to one skilled in the art at the time of invention to provide Guminiski with a cord adjustment loop and lock in order to reduce the belt width and increase the cord tension.

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5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guminiski in view of Chen (US 4,863,083).

Regarding claim 6, Guminiski discloses the invention substantially as claimed and as applied to claim 1 above but does not have first and second attachment means being hook and loop strap fasteners. However, Chen teaches the use of a double sided strap with hook and loop fasteners (24, 28) for attaching an article to a belt. Therefore it would have been obvious to provide Guminiski with a double-sided strap with hook and loop fastening means instead of the strings 26 to make attaching an article easier.

Regarding claim 7, the modified device of Guminiski discloses the claimed invention wherein the straps 24 are double-sided, with hooks and loops on opposite sides (Figure 1), effectively satisfying the claims.

6. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guminiski.

Regarding claims 11-13, Guminiski discloses the claimed invention except for an auxiliary elastic cord for attaching additional articles. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided Guminiski with a second elastic cord 14, the same as described above in claims 1, 2, and 5, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Furthermore, Guminiski discloses alternate embodiments (Figures 1 and 12) with multiple cords and attachment means 86 for attaching at least 4 articles.

Regarding claim 12, Guminski discloses the embodiment of Figure 11 where an elastic loop is provided "for additional devices, such as doe bleats and buck grunts" [0010], satisfying the claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Marino (US 4,751,923) discloses a belt device for supporting articles. Miller (US 6,478,464) discloses a retention device. Zinna (US 5,299,324) discloses a belt with an attachment system. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey N. Skurdal whose telephone number is 571-272-9588. The examiner can normally be reached on M-Th 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CNS



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SUPERVISORY PATENT EXAMINER